

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
41890-01663

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**DENTAL GLASS POWDERS**

and invented by:

Toivo T. Kodas, 11102 San Rafael Dr. NE, Albuquerque, NM 87122; Mark J. Hampden-Smith, 2901 Maximillian NW, Albuquerque, NM 87104; Quint H. Powell, 2422 Ashley Ridge Lane, Sugar Land, TX 77478; James H. Brewster, 2204 Contreras Road NE, Rio Rancho, NM 87124; Daniel J. Skamser, 303 Snap Creek Court, Simpsonville, SC 29681; Klaus Kunze, 435 Potter Avenue, Half Moon Bay, CA 94019; Paolina Atanassova, 8309 Tierra Serena Place NE, Albuquerque, NM 87123; Paul Napolitano, 7304 Yorktown NE, Albuquerque, NM 87109

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/520,488

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/141,394

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

**Application Elements**

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 68 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

22278 U.S. PTO  
10/657455  
09/08/03

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**(Large Entity)**

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets \_\_\_\_\_
- b. ☒ Informal Number of Sheets 25
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV 338034497 US

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

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## Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures *(please identify below):*

## Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

### **Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

09/08/03 16805 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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41890-01663

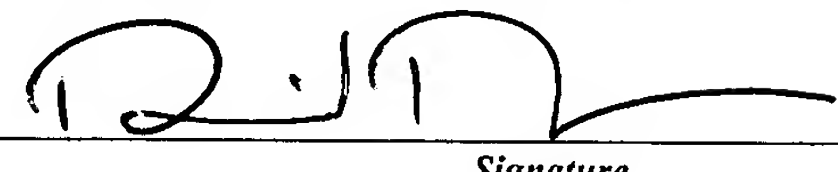
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims		- 20 =	0	x \$18.00	\$0.00
Indep. Claims		- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$750.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$750.00

- ☐ A check in the amount of to cover the filing fee is enclosed.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. as described below.
  - ☐ Charge the amount of as filing fee.
  - ☐ Credit any overpayment.
  - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

Dated: September 8, 2003

David F. Dockery  
Registration No. 34,323  
Marsh Fischmann & Breyfogle LLP  
3151 South Vaughn Way, Suite 411  
Aurora, CO 80014  
303-338-0997

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): KODAS ET AL.

Docket No.

41890-01663

Serial No.  
Not Yet KnownFiling Date  
September 8, 2003Examiner  
Not Yet KnownGroup Art Unit  
Not Yet Known

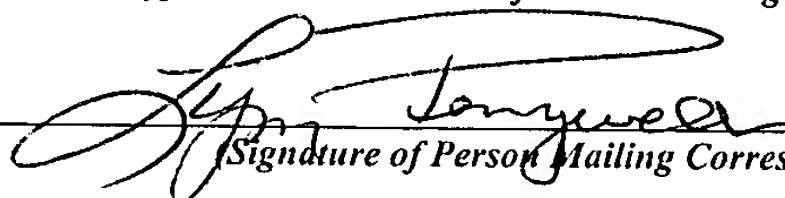
Invention: DENTAL GLASS POWDERS

I hereby certify that the following correspondence:

Utility Patent Application Transmittal (4); Patent Application (68); Drawings (25); Declarations (24); Preliminary Amendment (6)

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 8, 2003*(Date)*Lynn Pennywell*(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)*EV 338034497 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**